AMENDMENTS TO THE CLAIMS

Please amend claims 1, 6, 7, 12-14, 18, 20, 21, 23, 25, 46-49, 51, 73, 74, and 77 as shown in the listing of claims below. Please cancel claim 50. Added material is shown in underlined type, and deleted material is shown in ~~strikeout~~ type or within [[double brackets]]:

Listing of Claims

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) A sample collection device for assay comprising:

a handle portion having a first end and a second end;

a collector portion having a first end ~~operably connected to~~ and a second end,

the collector portion first end detachably coupled to the handle portion second end and

the collector portion second end having

a base being movable relative to the handle portion second end when the collector portion first end is coupled to the handle portion second end, ~~the collector portion having at least an extended size and a contracted size, the sizes being defined by a configurable distance between the collector portion second end and the handle portion second end;~~

a plunger arm coupled to the base and including a first diameter portion and a second diameter portion, the first diameter portion being smaller than the second diameter portion; and

an expandable sponge disposed on the ~~collector portion~~ first diameter portion and on the second diameter portion of the plunger arm between an end wall of the collector portion and the base resulting in an extended collection size of the sponge; and ~~and having a dry size, a first collection size when the sponge holds a first amount of sample and a second collection size when the sponge holds a second amount of sample, the first collection size being less than the second collection size;~~

wherein the plunger arm is moved relative to the handle portion second end such that the second diameter portion of the plunger arm engages a flange reconfiguring the sponge to a smaller sample retaining size and discharging a first portion of the sample for assay and retaining a second portion of the sample in the sponge for subsequent assay.

~~wherein a sufficient sample is collected for assay when the sponge second collection size is substantially equal to the collector portion extended size;~~

~~wherein the sponge is disposed between the base and the handle portion second end, and when the collector portion second end is moved relative to the handle portion second end to reconfigure the collector portion from the extended size to the contracted size, a sample portion sufficient for assay is discharged from the sponge through the base; and~~

~~wherein the collector portion includes a blocking portion configured to engage the handle portion second end to define a sample retaining size of the collector portion and impede movement of the collector portion second end relative to the handle portion second end, such that movement of said collector portion second end to engage said blocking portion with said handle portion second end allows the discharge of a first portion of sample for assay from said sponge while placing the sponge in the first collection size and retaining a second portion of sample in said sponge for subsequent assay.~~

2.-3. (Canceled)

4. (Previously Presented) The sample collection device for assay of claim 1, wherein the sponge is made from a fluid absorbing material and the sample is discharged from the sponge by compressing the sponge between the base and the handle portion second end.

5. (Canceled)

6. (Currently Amended) The sample collection device for assay of claim 1, wherein the collector portion includes an elongate member~~, the blocking~~ and a locking portion that includes a raised portion formed on the elongate member, and the handle portion second end includes a wall sized to engage with the raised portion of the elongate member when the

collector portion is moved from one of the extended size ~~and the contracted size~~ to the sample retaining size.

7. (Currently Amended) The sample collection device for assay of claim 1, wherein the handle portion includes a housing defining an opening for slidably receiving the collector portion so as to permit the collector portion to be selectively configurable between the extended size and the ~~contracted~~ sample retaining size.

8.-11. (Canceled)

12. (Currently Amended) The sample collector device for assay of claim 1, wherein the sponge has a first length when the sponge has the ~~first collection~~ sample retaining size, the sponge has a second length when the sponge has the ~~second~~ extended collection size, and the collector portion has an extended length when the ~~collector portion has the extended size,~~ sponge is disposed on the plunger arm between the end wall of the collector portion and the base; and

wherein a sufficient sample is collected for assay when the sponge ~~second length~~ extended collection size is substantially equal to the collector portion extended length.

13. (Currently Amended) The sample collector device for assay of claim 1, wherein the sponge size is reduced from the ~~second~~ extended collection size to the ~~first collection~~ sample retaining size when the collector portion is configured from [[the]] an extended size to ~~the contracted~~ a sample retaining size.

14. (Currently Amended) A test device in combination with the sample collection device for assay of claim 1, the test device being adapted to connect with the sample collection device and including a tester to assay for analytes in the sample, the test device including:

an opening sized to receive the handle portion; and

a discharge surface adapted to engage with the collector portion, wherein the sponge ~~second~~ extended collection size is substantially equal to the collector portion extended collection size before engaging the collector portion with the discharge surface, and the sample collection device is in fluid communication with the tester and the collector portion is configured in the ~~contracted~~ sample retaining size when the collector portion is engaged with the discharge surface.

15. (Previously Presented) The test device in combination with the sample collection device for assay of claim 14, wherein the handle portion second end includes an engagement surface and the test device includes a mating surface adapted to engage with the engagement surface, wherein the handle portion is fixed to the test device when the engagement surface engages with the mating surface.

16. (Previously Presented) The test device in combination with the sample collection device for assay of claim 15, wherein the mating surface engages with the engagement surface by elastic deformation of at least one of the mating surface and the engagement surface.

17. (Previously Presented) The test device in combination with the sample collection device for assay of claim 15, wherein the handle portion is fixed to the test device by a friction fit between the engagement and mating surfaces.

18. (Currently Amended) The test device in combination with the sample collection device for assay of claim 15, wherein the sponge ~~second~~ extended collection size is substantially equal to the collector portion extended collection size when the mating surface engages with the engagement surface.

19. (Previously Presented) The test device in combination with the sample collection device for assay of claim 15, wherein the handle portion includes a second engagement surface and the test device includes a second mating surface adapted to engage

with the second engagement surface, wherein when the second engagement surface is in contact with the second mating surface, the discharge surface engages with the collector portion.

20. (Currently Amended) The test device in combination with the sample collection device for assay of claim 14, wherein the tester is a lateral flowstrip in fluid communication with the sponge when the handle portion is fixed to the test device and the collector portion is in the ~~contracted~~ sample retaining size.

21. (Currently Amended) The test device in combination with the sample collection device for assay of claim 14, wherein the test device further includes an ampoule containing fluid and the ampoule is violated when the ~~sponge~~ collector portion is ~~equal~~ configured to the ~~first collection~~ sample retaining size.

22. (Previously Presented) The test device in combination with the sample collection device for assay of claim 14, wherein the handle portion first end comprises a grip and the first end is removable from the second end.

23. (Currently Amended) The sample collection device for assay of claim 1, wherein the second ~~amount~~ portion of sample corresponds to an assay sample that is substantially contained in the sponge, the assay sample being transferable from the sponge to a test device for assay of the assay sample.

24. (Canceled)

25. (Currently Amended) The test device in combination with the sample collection device for assay of claim 14, wherein the sponge has the ~~first collection~~ sample retaining size when the sample collector is in fluid communication with the tester.

26.-45. (Canceled)

46. (Currently Amended) A sample collection device for assay comprising:

a handle portion having a first end and a second end;

a collector portion having a first end ~~operably connected to~~ and a second end,

the collector portion first end being coupled to the handle portion second end and

the collector portion second end being movable relative to the handle portion second end when the collector portion first end is coupled to the handle portion second end, the collector portion having at least an extended size and a sample retaining size, the sample retaining size being smaller than the extended size, the sizes being defined by a configurable distance between the collector portion second end and the handle portion second end;

the collector portion second end also including a plunger arm coupled to the collector portion and including a first diameter portion and a second diameter portion, the first diameter portion being smaller than the second diameter portion; and

a ~~blocking~~ locking portion disposed on the collector portion, the ~~blocking~~ locking portion being spaced from the handle portion second end when the collector portion is configured in the extended size and the ~~blocking~~ locking portion being engaged with the handle portion second end when the collector portion is configured in the sample retaining size, and

a sponge disposed on the ~~collector portion~~ first diameter portion and the second diameter portion of the plunger arm between the locking portion and the collector portion second end resulting in an extended collection size of the sponge ~~and having dry size, a first collection size~~ when the sponge holds a first amount of sample ~~and a second collection size when the sponge holds a second amount of sample~~;

wherein the plunger arm is moved relative to the handle portion second end such that the second diameter portion of the plunger arm engages the locking portion reconfiguring the sponge to a smaller sample retaining size and discharging a first portion of the sample for assay and retaining a second portion of sample in the sponge for subsequent assay.

~~wherein the sponge has the second collection size when the blocking member is spaced from the handle portion second end and the sponge has the first collection size when the blocking member is engaged with the handle portion second end,~~

~~wherein the second amount of sample is sufficient for a first assay of sample and the first amount of sample is sufficient for a second assay of the sample subsequent to the first assay~~.

47. (Currently Amended) The sample collection device for assay of claim 46, wherein the ~~blocking~~ locking portion is formed on the collector portion.

48. (Currently Amended) The sample collection device for assay of claim 47, wherein the ~~collector~~ locking portion ~~includes a first part including the blocking portion and a second part that is smaller than the first part and wherein the second part~~ is received within the handle portion when the collector portion is configured from the extended size to the sample retaining size.

49. (Currently Amended) The sample collection device for assay of claim 46, wherein the collector portion further ~~comprising~~ includes:

a first ~~elongate~~ diameter portion having a first length and a first width dimension wherein the first length substantially corresponds to the sample retaining size of the sponge, and

a second ~~elongate~~ diameter portion having a second length and a second width dimension, wherein the total length of the first length and the second length substantially corresponds to the extended collection size of the sponge

~~wherein the handle portion second end defines an opening sized for slidably receiving the collector portion, the opening defining a width dimension that is smaller than the first width dimension and greater than the second width dimension~~.

50. (Canceled)

51. (Currently Amended) The sample collection device for assay of claim 46, wherein when the ~~sponge~~ collection portion has the ~~first collection~~ extended size and ~~the retaining portion~~ is configured from the extended size to the sample retaining size, the sponge is configured from the ~~second~~ extended collection size to the ~~first collection~~ sample retaining size and a sample sufficient ~~for the~~ for a first assay is expressed from the sponge.

52. (Previously Presented) The sample collection device for assay of claim 46, wherein the sponge is made from a fluid absorbing material and the collector portion expresses fluid sufficient for assay of sample from the sponge when the collector portion is configured from the extended size to the sample retaining size.

53.-72. (Canceled)

73. (Currently Amended) A sample collection device for assay comprising:

a handle portion having a first end and a second end;

a collector portion having a first end operably connected to a second end,

the collector portion first end being coupled to the handle portion second end and

the collector portion second end having

a base ~~and~~ being movable relative to the handle portion second end when the collector portion first end is coupled to the handle portion second end, ~~the collector portion having at least an extended size and a contracted size, the extended and contracted sizes being defined by a configurable distance between the collector portion second end and the handle portion second end;~~

the collector portion second end also including a plunger arm coupled to the collector portion and including a first diameter portion and a second diameter portion; and

a sponge disposed on the ~~collector portion~~ first diameter portion and on the second diameter portion of the plunger arm between the handle portion second end and the base resulting in an extended collection size of the sponge; and ~~having a dry size, a first collection~~

~~size when the sponge holds a first amount of the sample and a second collection size when the sponge holds a second amount of the sample, the first collection size being less than the second collection size and the first amount of sample being sufficient for assay~~;

wherein the base is moved relative to the handle portion second end such that the second diameter portion of the plunger arm engages a flange reconfiguring the sponge to a smaller sample retaining size and discharging a first portion of the sample for assay and retaining a second portion of the sample in the sponge for subsequent assay.

~~wherein a sufficient sample is collected for assay when the sponge second collection size is substantially equal to the collector portion extended size, and~~

~~wherein, the sponge is disposed between the base and the handle portion second end, and when the base is moved relative to the handle portion second end to reconfigure the collector portion from the extended size to the contracted size, a portion of the sample in the sponge suitable for assay is discharged from the sponge and the sponge is placed in the first collection size and holds the first amount of sample~~.

74. (Currently Amended) The sample collection device for assay of claim ~~75~~ 73, wherein the second ~~amount~~ portion of sample includes at least a first assay sample and a second assay sample.

75. (Previously Presented) The sample collection device for assay of claim 73, wherein the sponge is made from a fluid absorbing material and the sample is discharged from the sponge by compressing the sponge between the base and the handle portion second end.

76. (Canceled)

77. (Currently Amended) A sample collection device for assay comprising:

a handle portion having a first end and a second end;

a collector portion coupled to the handle portion second end and selectively configurable between at least an extended size and a ~~contracted~~ sample retaining size;

the collector portion also including a movable base positioned at a first length from the handle portion second end when the collector portion is in the extended size and positioned at a second length from the handle portion second end when the collector portion is in the sample retaining size,

the collector portion also including a plunger arm coupled to the base and including a first diameter portion and a second diameter portion; and

an expandable sponge disposed on the ~~collector portion~~ first diameter portion and on the second diameter portion of the plunger arm between the collector portion and the handle portion second end and having a dry size, a ~~first collection~~ sample retaining size when the sponge holds a first amount of the sample and a ~~second collection~~ extended size when the sponge holds a second amount of the sample, the ~~first collection~~ sample retaining size being ~~less~~ smaller than the ~~second collection~~ extended size and the first amount of sample being sufficient for assay;

wherein a sufficient sample is collected for assay when the sponge ~~second collection~~ extended size is substantially equal to the collector portion extended size, ~~wherein the collector portion includes a base spaced at a first length from the handle portion second end when the collector portion is in the expanded size and the base is spaced at a second length from the handle portion second end when the collector portion is in the contracted size,~~

wherein the ~~collector portion~~ plunger arm is an elongate member having a proximal end adjacent the handle portion second end and the base formed at a distal end, wherein the base is a perforated disc,

wherein the sponge is made from a fluid absorbing material that is movable along the elongate member to place the sponge in the ~~second~~ extended collection size and

wherein the ~~elongate member~~ plunger arm has a first ~~elongate~~ diameter portion having a first length and a first width dimension wherein the first length substantially corresponds to [[a]] the sample retaining size of the sponge, a second ~~elongate~~ diameter portion proximal from the handle portion second end relative to the first ~~elongate~~ diameter portion and having a second length and a second width dimension that is smaller than the first width dimension, wherein the total length of the first length and the second length substantially corresponds to the extended collection size of the sponge, and wherein the handle portion second end defines

an opening sized for slidably receiving the ~~elongate member~~ plunger arm, ~~the opening defining a width dimension that is smaller than the first width and greater than the second width,~~ such that as the ~~elongate member~~ plunger arm slides within the opening, the ~~first width~~ opening impedes the movement of the first length of the ~~elongate member~~ plunger arm, thus defining the sample retaining size.

78. (Canceled)